

**RESPONSE TO OFFICE ACTION**  
**Serial No. 10/663,304**  
**Page 2 of 12**

**IN THE SPECIFICATION**

Please replace the following paragraph as indicated:

**[0029]** At step 112, the masking material is etched back (FIG. 2F). During step 112, the film 228 is removed from the cap layer 210 and the masking material in the via hole 224 is etched to a pre-determined depth 226. The depth 226 is equal to or smaller than a depth 234 for a trench 218 (both are discussed in reference to step 116 and ~~FIG. 2L~~ FIG. 2I below) of the interconnect structure being fabricated. In one exemplary embodiment, step 112 performs a plasma etch process that uses a gas mixture comprising O<sub>2</sub> and, optionally, N<sub>2</sub>.